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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION FOUR

MARGIE McRAE,
Plaintiff and Appellant,

v.

JOSH RICHMAN et al.,
Defendants and Respondents.

A121284

(Alameda County
Super. Ct. No. RG07342387)

Appellant Margie McRae (Dr. McRae) appeals, in propria persona, from the order granting attorney fees and costs to respondents newspaper and others following the granting of their anti-SLAPP motion to strike her complaint for false light invasion of privacy.¹ We affirm.

I. BACKGROUND

Dr. McRae's complaint against the Tribune, filed in August 2007, alleged a claim of false light invasion of privacy arising from publication of a news article in the Oakland Tribune. Specifically, it asserted that the Tribune article described a "false arrest" of Dr. McRae that occurred in Georgia three and one-half years earlier and also discussed her case against the California Department of Corrections. Dr. McRae, a medical doctor, claimed that the article cast her as a confrontational troublemaker.

¹ Respondents are Josh Richman, Mario Dianda and the Bay Area Newsgroup-East Bay (erroneously sued as the Alameda News Group), doing business as the Oakland Tribune (collectively, the Tribune).

Previously, this court dismissed as untimely Dr. McRae's appeal from the underlying order granting the Tribune's anti-SLAPP motion.

The Tribune wrote to Dr. McRae, asking her to voluntarily dismiss the complaint before defendants were forced to incur attorney fees and costs defending the article with a special motion to strike under Code of Civil Procedure section 425.16 (section 425.16). The Tribune explained that section 425.16 contains a mandatory fee-shifting provision, such that if defendants prevailed on their motion to strike, Dr. McRae would be liable for their attorney fees and costs.

Thereafter the Tribune moved for an order shortening time to hear its motion to strike. Dr. McRae was out of the state for periods during the course of the litigation and requested a continuance to the originally scheduled hearing. The court rejected that request. She did not file any opposition to the motion to strike.

The trial court granted the motion to strike, and the Tribune moved for attorney fees and costs. It sought \$22,298 in fees in connection with the underlying motion, \$1,722.96 in costs and \$5,000 in fees in connection with the request for attorney fees. The trial court awarded attorney fees in the amount of \$18,750 and all of the itemized costs. This appeal followed.

II. DISCUSSION

Anti-SLAPP motions are subject to statutory fee shifting. A defendant who successfully brings a motion to strike is entitled to mandatory attorney fees. (§ 425.16, subd. (c); *Ketchum v. Moses* (2001) 24 Cal.4th 1122, 1131.) The amount of attorney fees awarded comes within the sound discretion of the trial court. The experienced trial judge is in the best position to assess the value of professional services rendered in a particular case; thus we will not disturb the trial court's award unless we are convinced it is clearly wrong. (*Foundation for Taxpayer & Consumer Rights v. Garamendi* (2005) 132 Cal.App.4th 1375, 1394.)

Cursory arguments based on generalized dissatisfaction with an attorney fee award that are not accompanied by citation to the record or explanation of which fees are unreasonable, duplicative, etc., will not suffice. (*Tuchscher Development Enterprises, Inc. v. San Diego Unified Port Dist.* (2003) 106 Cal.App.4th 1219, 1248.) Here, Dr. McRae complains generally that the hourly rate and number of hours submitted were

unreasonable, particularly given that the case was simple in nature and unopposed. However, she does not explain with any specificity what fees were unreasonable and why. Instead, she faults the Tribune for the quantity of judicial records included in support of the motion, but those records were submitted to support the Tribune's defenses by showing that the statements Dr. McRae found offending were accurate and fair accounts of judicial proceedings in which she was involved.

Further, it bears pointing out that although the motion was unopposed, the Tribune was unaware that Dr. McRae would not submit opposition. Moreover, given that Dr. McRae did not respond to the Tribune's efforts to convince her to abandon the action, the Tribune would have reason to believe that she *would* oppose the motion. And, although the case was not complex, the complaint was subject to various independent defenses and there was nothing unreasonable or duplicative in advancing each plausible defense in the anti-SLAPP motion. Indeed, the trial court adopted almost every defense which the Tribune advanced.

Dr. McRae also attacks the reasonableness of the hourly rate of counsel but has not shown why that rate was not reasonable. Counsel's regular hourly rate of \$445 was reduced to \$375 for this motion. Moreover, the trial court did not award all the fees requested – it shaved off \$8,548 of the total fee request, a reduction of more than 30 percent. Finally, in her reply brief Dr. McRae assaults the amount of hours submitted, but again, the bill was substantially reduced.

III. DISPOSITION

The trial court did not abuse its discretion in awarding attorney fees and costs in this case. Accordingly, the attorney fee award is affirmed.

Reardon, J.

We concur:

Ruvolo, P.J.

Rivera, J.